

IFW

Attorney Docket # 84894-602

EXAMINER Gregory W. Mitchell

GROUP 1617

APPLICANT Gordon W. Glazner

SERIAL NO: 09/878,918

FILED June 13, 2001

FOR THERAPEUTIC USES FOR IP3 RECEPTOR-MEDIATED
CALCIUM CHANNEL MODULATORS

Commissioner of Patents
Washington, D.C., 20231
U.S.A.

Dear Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF NON-COMPLIANT RESPONSE

In response to the Notice of Abandonment dated September 19, 2005 which refers to a Failure to Reply to a Notice of Non Compliant Response which was issued on November 19, 2004 and to which no response was received by the Patent Office.

It is hereby stated by the undersigned that, after searching the file jacket and docket records, it can be confirmed that the above Notice of Non Compliant Response dated November 19, 2004 was not received. We attach a photocopy of the docketing page from this file showing that the receipt of a Notice of Non Compliant Response having that date has not been docketed. It is the practice of this office to immediately docket on this record as well as in a separate date book any Official Action or Notice of Allowance received.

BEST AVAILABLE COPY

In this instance, had the notice of Non Compliant Response been received, the date book and the file docket would have had the date of December 12, 2004 rsp December 19, 2004 written on the docketing page of the file and entered into the task manager which is part of Microsoft Outlook. As you can see from the enclosed pages, this data was not entered on the docketing page of the file and makes no reference to 84894-602, which is the attorney docket number assigned internally to this application. As you will see, this is consistent with the attorney docket number printed on the Notice of Abandonment and on the docketing page.

It is further noted that when the previous office action was issued on June 25, 2004, the following dates were entered on the file jacket and in the date book, August 25, 2004 Rsp Sept 25, 2004.

In addition, when a restriction/election requirement was received with a due date of September 2, the following due dates were entered on the file jacket and in the date book: August 25, 2003 and September 2, 2003. This is consistent with the policy of a one week prior pull date for actions having a 1 month deadline

As discussed above, we attach copies of the docket record of Actions due from December 1, 2004 to December 20, 2004 inclusive. This docket record is defined by a calendar on which all Actions required are recorded so that the number of files on each date is relatively large. It will be noted that each date in the docket record identifies the file concerned by the file number and by the name of the client.

As discussed above, it is a practice of this Office that whenever an Official Action or Notice of Allowance is received in the mail, before any other step can be taken

with that file, the Official Action is entered in the file and the docket record is marked with the due date and other possible with a date one month prior to the due date.

It will be noted that file 84894-602 DOES NOT APPEAR on the docket record for any of the dates now attached thus evidencing that the Notice of Non Compliant Response was not received.

It is requested that the Notice of Abandonment be withdrawn and the Notice of Non Compliant response resubmitted with a new date.

The pull dates for February 25, 2005 and July 25, 2005 are internal reminders for checking status of the application. It was during the later of these status requests that the Notice of Non-Compliant Response was noted and the examiner was contacted by phone, which result in the Notice of Abandonment being issued.

It is further noted that a 1449-105 containing additional prior art cited by the EPO was submitted to the USPTO on March 23, 2005

If a fee is due for this Petition, it is requested that the fee be charged to our deposit account 01-0310.

Respectfully submitted

Gordon W. Glazner

PER: 

Michael R. Williams
Registration No: 45333

MRW/dj
October 13, 2005

Michael R. Williams Winnipeg, Manitoba, Canada
Telephone (204) 947-1429 - FAX (204) 942-5723

Lombard Life Sciences

Re: US - HIV Inhibition

Client Information

12-75 Scurfield Blvd.

Lombard Life
RE: US - HIV Int

300-140 Bannatyn

Winnipeg, MB R:
Contact:
Business Phone: 9:
Home Phone:
Cell No.
EMAIL:
Date File Opened:
Date File Closed:

Winnipeg, MB R3Y 1G4
Contact: Kevin McGarry
Business Phone: 943-0066
Home Phone:
Cell Phone
Facsimile: 943-7646
E-Mail:
Date File Opened: 26 MAR 01

Contact Information

Darren Fast

Business Phone:
Home Phone:
Cell Phone:
Facsimile:
E-Mail:

Bill to

Lombard Life Sciences
RE: Triage Therapeutics Inc.
12-75 Scurfield Blvd.

Winnipeg MB R3Y 1G4
Attention:
Business Phone:
Home Phone:
Cell Phone
Facsimile:
E-Mail:

84894 - 602 /MRW

BEST AVAILABLE COPY

~~Aug 2/04 R Sept~~
~~✓ Feb 2/05 S~~
~~July 2/05 S~~

~~✓ May 2/04 R Sept~~
~~✓ Aug 2/04 R Sept 2/05~~
~~✓ Oct 2/05 R Sept 2/06~~
~~✓ Nov 2/06 R Sept 2/07~~
~~✓ May 2/04 R Sept 2/05~~

Lombard Life Sciences
RE: US - HIV Inhibition

84894 - 602 /MRW

Lombard Life Sciences

Re: US - HIV Inhibition

Client Information

12-75 Scurfield Blvd.

Lombard Life
RE: US - HIV Int

300-140 Bannatyn

Winnipeg, MB R:
Contact:
Business Phone: 9:
Home Phone:
Cell No.
EMAIL:
Date File Opened:
Date File Closed:

Winnipeg, MB R3Y 1G4
Contact: Kevin McGarry
Business Phone: 943-0066
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E-Mail:
Date File Opened: 26 MAR 01

Contact Information

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Cell Phone:
Facsimile:
E-Mail:

Bill to

Lombard Life Sciences
RE: Triage Therapeutics Inc.
12-75 Scurfield Blvd.

Winnipeg MB R3Y 1G4
Attention:
Business Phone:
Home Phone:
Cell Phone
Facsimile:
E-Mail:

84894 - 602 /MRW

Aug 2/04 R Supa
✓ Sub 2/05 S
July 2/05 S

REST AVAILABLE COPY

Lombard Life Sciences
RE: US - HIV Inhibition

84894 - 602 /MRW

DAY-BY-DAY
Journal

2004

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AUGUST						
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Friday 25 August

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7:30	3856-101 Budele	7:30
8:00		8:00
8:30	3963-2307 Science	8:30
9:00		9:00
9:30	W824-204 Cardio	9:30
10:00		10:00
10:30	5128-1272 Cargene	10:30
11:00		11:00
11:30	80033-41433 Indigene	11:30
12:00		12:00
12:30	4894-602 Lombard	12:30
13:00		1:00
13:30	2910-804 Pollard	1:30
14:00	7004	2:00
14:30	7004	2:30
15:00		3:00
15:30	5384-113 KJ	3:30
16:00		4:00
16:30	143-207 Halford	4:30
17:00		5:00
17:30	2910-913 Pollard	5:30
18:00	1013	6:00
18:30	813	6:30
19:00		7:00
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21:00		9:00

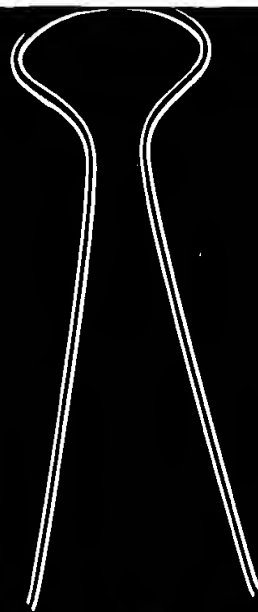
238-128

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Saturday 2

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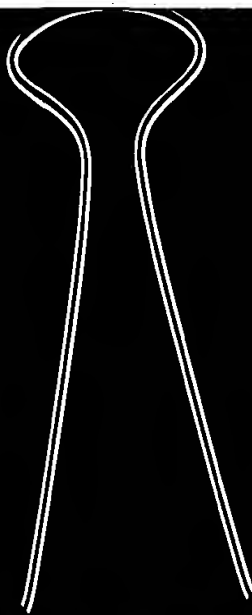
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Tuesday 25 July

AUGUST						
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7:30 ~~4156-355 Vector~~
8:00 ~~5510-215 Saddle Creek~~
8:30 4156-355 Vector
9:00 5510-215 Saddle Creek
9:30 2402-8503 U of M
10:00 ~~5024-2023 Saddle Creek~~
10:30 ~~5024-2023 Saddle Creek~~
11:00 4156-989 Vector
11:30 5408-172 Hotel Walmisley
12:00
12:30 ~~4824-602 Saddle Creek~~
13:00
13:30 ~~4824-602 Saddle Creek~~
14:00 3102-68881 Buckingham
14:30
15:00 ~~5510-215 Saddle Creek~~
15:30
16:00 ~~2910-9077 Pattana~~
16:30 ~~2910-9077 Pattana~~
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2005

OVERTIME
HOURS

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FEBRUARY						
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Friday 25 February

7:00		7:00
7:30	3963-901 Science	7:30
8:00	3140-2001 Townsend	8:00
8:30	80004-1901 Byrkness	8:30
9:00		9:00
9:30	4894-602 Lombard	9:30
10:00		10:00
10:30	1190-1802 La Bonface	10:30
11:00		11:00
11:30	3144-1004 U of S	11:30
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56-310

2000

Saturday 26 February

7:00		7:00
7:30	4781-301 DVE	7:30
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2000

DECEMBER						
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Friday 1 December

7:00	
7:30	5036-101 Ineyke
8:00	
8:30	80070-604 MacDon
9:00	
9:30	5036-601 Ineyke
10:00	
10:30	4492-301 Hans
11:00	
11:30	5443-101 101
12:00	
12:30	0620-2904 MacDon
1:00	
1:30	5075-126 Kennedy
2:00	
2:30	5244-103 Enyery
3:00	
3:30	2910-1003 Podtard
4:00	
4:30	5443-102 Burd
5:00	
5:30	5321-103 Standish
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336-30

2000

JANUARY						
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Saturday 2 December

7:00	
7:30	2565-207 Ston
8:00	3963-201 Lence
8:30	5127-103 Podtard
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2000

337-29

DECEMBER						
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24	25	26	27	28	29	30
31						

Sunday 3 December

7:00	
7:30	38785-126-644
8:00	
8:30	5075-418-Compton
9:00	
9:30	5536-103-8779
10:00	
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338-28

2000

JANUARY						
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Monday 4 December

7:00	
7:30	4747-2205 Ungruel
8:00	5137-772-65x
8:30	4889-328-1000
9:00	8466-251-8466
9:30	
10:00	5510-228-Sidekick
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339-27

2000

DECEMBER						
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Tuesday 5 December

7:00	
7:30	4822-504 Paden
8:00	
8:30	4681-1601 Reed
9:00	
9:30	5128-604 Cargine
10:00	
10:30	4456-296 Paden
11:00	
11:30	8536-5511 Charnoff
12:00	
12:30	5378-601 Thompson
13:00	
13:30	80099-7001 Fox
14:00	
14:30	142-1601 Justina
15:00	
15:30	215-1625 Lupton
16:00	
16:30	5151-103 Paden
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340-26

2000

24-07

JANUARY						
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Wednesday 6 December

7:00	5203-101 Jaden
7:30	
8:00	2402-1102 Paden
8:30	
9:00	3546-1201 Paden
9:30	
10:00	4822-104 Paden
10:30	482
11:00	4822-107 Paden
11:30	
12:00	5510-269 Sidiachack
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2000

341-25

24-07

DECEMBER						
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Thursday 7 December

7:00	
7:30	83856-101 <i>Booked</i>
8:00	5055 <i>Booked</i>
8:30	
9:00	80694-507 <i>Booked</i>
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342-24

2000

JANUARY						
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Friday 8 December

IMMACULATE CONCEPTION

7:00	
7:30	5066-101 <i>Kulpa</i>
8:00	
8:30	80446-131 <i>Heller</i>
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343-23

2000

DECEMBER						
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Saturday 9 December

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Monday 11 December

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7:30	4889-321 WOLF
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346-20

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Tuesday 12 December

7:00	
7:30	4431-1101 ALBON
8:00	
8:30	3773-177 ACF
9:00	
9:30	5197-101 JERRY BEN
10:00	DAVID
10:30	
11:00	142-1601 WIDHUR
11:30	
12:00	4468-601 RYAN
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13:00	4820-501 RYAN
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347-19

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Wednesday 13 December

7:00	
7:30	3496-901 Kotisch
8:00	
8:30	3440-2001 Younis
9:00	
9:30	3813-902 VR
10:00	
10:30	4822-504 Radford <i>Appel</i>
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348-18

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Thursday 14 December

7:00	
7:30	3815-204 VR
8:00	5055-501
8:30	
9:00	5043-401 VR
9:30	5043-301 VR
10:00	5055-1101 VR
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349-17

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Friday 15 December

7:00		7:00
7:30	5128-301 Canine	7:30
8:00	5352-101 Grech	8:00
8:30	4782-399 J.H.	8:30
9:00	80694-893 Agrius	9:00
9:30	4987-202 Australia	9:30
10:00		10:00
10:30	4889-302 Wolf	10:30
11:00		11:00
11:30	80442-2201 G.H.	11:30
12:00		12:00
12:30	5054-601 Quine	12:30
13:00		1:00
13:30	5480-199 Upper 49th	1:30
14:00		2:00
14:30	4889-501 Wolf	2:30
15:00		3:00
15:30	5056-102 Agrius	3:30
16:00		4:00
16:30	215-1438 Crystal	4:30
17:00		5:00
17:30	4825-1455 Darty	5:30
18:00	5297-102 Singh	6:00
18:30		6:30
19:00	490-2972 StB	7:00
19:30		7:30
20:00	111-1826 Knulson	8:00
20:30		8:30
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350-16

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Saturday 16 Decem

7:00		7:00
7:30	80099-4301	7:30
8:00		8:00
8:30	210-9040	8:30
9:00		9:00
9:30	4825-14	9:30
10:00	5054-901	10:00
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Sunday 17 December

7:00		7:00
7:30	4825-1458 Daulby	7:30
8:00		8:00
8:30	4705-1301 Patendguy	8:30
9:00		9:00
9:30	4747-2220 Wangue	9:30
10:00		10:00
10:30	2223-204 Mignault	10:30
11:00		11:00
11:30	2142-201 Schumann	11:30
12:00		12:00
12:30	5002-126 Malblanc	12:30
13:00		1:00
13:30	85310-161 Bigguy	1:30
14:00		2:00
14:30	5061-104 Thoma	2:30
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352-14

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Monday 18 Decem

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8:00	1190-113
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Tuesday 19 December

7:00	2230-501 Racheli	7:00
7:30		7:30
8:00	4361-1301 Harven	8:00
8:30		8:30
9:00	3720-1401 Chiron	9:00
9:30		9:30
10:00	2402-3802 Hof M	10:00
10:30		10:30
11:00	80766-704 Duda	11:00
11:30		11:30
12:00	80594-328 Agucal	12:00
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Wednesday 20 December

7:00		7:00
7:30	142-601 W	7:30
8:00	3963-2801	8:00
8:30	4554-202	8:30
9:00		9:00
9:30	2402-8272 W	9:30
10:00		10:00
10:30	80129-4301	10:30
11:00	5420-201 B	11:00
11:30		11:30
12:00	2402-8502	12:00
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